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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,580	08/28/2003	Se-Youn Lim	5000-1-448	8236
33942	7590	04/10/2007		
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			EXAMINER FOUD, HICHAM B	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/650,580	LIM ET AL.	
	Examiner	Art Unit	
	Hicham B. Foud	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed:
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) 2, 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/01/2005 AND 07/13/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

In claim 1 lines 3 and 7, the term "OAM PDU" needs to be written in full. Similar problem occurs in claims 3-5.

In claim 1 line 6, the term " a loop-back process" seems to refer back to "a loop-back process" mentioned before in line1. If this is true, it is suggested that applicant changes the second term to --the loop-back process--.

In claim 2 line 3, the term "an initiation of a loop-back process" seems to refer back to " an initiation of the loop-back process" mentioned before in claim 1 line 4. If this is true, it is suggested that applicant changes the second term to --the initiation of the loop-back process--. Similar problem occurs in claim 2 line 10 for the term " a

termination of the loop-back process". Similar problems occur in claims 4 and 5. Also, in claim 2 line 10, the term "a message" is repeated twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art submitted by the applicant (IEEE 802.3ah Ethernet in the First Mile Task Force), hereinafter referred to as APA.

For claim 1, APA discloses a method of controlling a loop-back process between a local device and a remote device in an Ethernet passive optical network (see page 5 under TEST, wherein the test between the local and remote devices), the method comprising the steps of: (a) providing a predetermined field in a loop-back control OAM PDU, the predetermined field having distinguishing messages for an initiation of the loop-back process (see page 4 under OAM Frame, wherein byte 01 is a request to initiate the loop-back) and a termination of the loop-back process (see page 4 under OAM Frame, wherein byte 02 is a response to terminate the loop-back); and (b) the local device and the remote device performing a loop-back process using the loop-back control OAM PDU (see page 5 under TEST, wherein the request and the response are the loop-back process between the local and remote devices).

For claim 3, APA discloses a method loop-back, wherein step (b) comprises a loop-back process initiation step (see page 4 under OAM Frame, wherein byte 01 is a request to initiate the loop-back) and a loop-back process termination step (see page 4 under OAM Frame, wherein byte 02 is a response to terminate the loop-back), wherein the loop-back process initiation step includes the steps of: (1) transmitting, by the local device, a loop-back control OAM PDU requesting an initiation of the loop-back process to the remote device (see page 5 under TEST, wherein the request is to initiate the loop-back process between the local and remote devices), and (2) transmitting, by the remote device, a loop-back control OAM PDU acknowledging the initiation of the loop-back process to the local device (see page 5 under TEST, wherein the response is to acknowledge the loop-back process between the local and remote devices); and wherein the loop-back process termination step includes the step of transmitting, by the local device, a loop-back control OAM PDU requesting a termination of the loop-back process to the remote device, so that the loop-back process can be terminated (see page 5 under TEST, wherein the response is to terminate the loop-back process between the local and remote devices).

Allowable Subject Matter

4. Claims 2, 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

For claims 2, 4 and 5, prior art fails to teach an OAM that has predetermined fields for transmitting messages of initiation, acknowledging and termination of the loop-back process between a remote device and a local device, in a combination of other recited claim limitations.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takada et al (6,850,520), Xu (US 2004/0052263), Agrawal et al (6,636,484) and Mirek et al (5,878,032) are cited a system that is considered pertinent to the claimed invention

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Thursday 10-3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF

Hicham Foud



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600